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ABSTRACT

Analyzed in terms of definitions, programs, advisory committees and study groups, diagnostic procedures, and financial support are the state laws relating to gifted children. Noted is federal legislation which has defined gifted and talented children, included the gifted and talented under the Elementary and Secondary Education Act and the Education Professions Development Act, and authorized a study by the Commissioner of Education on the needs of the gifted and talented. Thirteen states are reported to include a term for gifted and/or talented children in their definition of exceptional children. Authorized programs described include special classes, summer workshops, high school credit for college courses, and pilot programs for experimentation and research. Funding and assessment are explained to usually fall under the special education authority. (DB)

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ANALYSIS OF STATE LAWS FOR GIFTED CHILDREN

Elaine Trudeau, Editor
Roger Nye, Research Assistant

STATE-FEDERAL INFORMATION CLEARINGHOUSE
FOR EXCEPTIONAL CHILDREN
The Council for Exceptional Children
1411 S. Jefferson Davis Highway
Suite 900
Arlington, Virginia 22202

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As the opportunities for handicapped children to receive an education expand in the United States, there is an increasing awareness that the degree and quality of this expansion is heavily dependent on the activities of government at all levels and in all branches -- executive, judicial, and legislative. Recognizing government's crucial role in the expansion process and the information needs of persons or agencies involved in or considering change, The Council for Exceptional Children through a grant from the Bureau of Education for the Handicapped, U.S. Office of Education established the State-Federal Information Clearinghouse for Exceptional Children (SFICEC) to provide this information.

The purpose of SFICEC is to identify, acquire, process, selectively retrieve, and disseminate information pertaining to government and the education of handicapped children. In carrying out this charge, SFICEC has developed a computer-based information system for the efficient and accurate retrieval of information.

To disseminate this information, SFICEC develops and distributes information products with material drawn from its data base. The products focus on specific areas pertaining to government and the education of handicapped children and utilize information from the law, administrative literature, attorney general's opinions and actual litigation. Other products discuss key issues and areas of concern to educators, parents, and public policy makers. In addition, SFICEC is also prepared to conduct searches to answer individual specific information requests.

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Alan R. Abeson, Director

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As a result of federal legislation passed in 1969, increasing attention is being focused on the provision of educational services to gifted and talented children. The federal legislation while appropriating no funds for the education of gifted and talented children did authorize the following:

1. A definition of "gifted and talented children" as meaning children who have outstanding intellectual ability or creative talent.

2. A mendment to Title V (Grants to Strengthen State Departments of Education), Elementary and Secondary Education Act, Section 503 (11) by adding after "handicapped", "the gifted and talented."

3. Amendments to the Education Professions Development Act, Title V, (Teacher Programs), Part C (Fellowships for Teachers) Higher Education Act, Section 521 (Statement of Purpose) by adding in the last sentence after "handicapped", "gifted and talented..."

4. A study conducted by the Commissioner of Education to discover how existing education programs can be best used to meet the needs of the gifted and talented and what new programs might be necessary, with a report made to the Congress within one year after the passage of the legislation.

In its study of state legislation the State-Federal Information Clearinghouse for Exceptional Children found thirteen states with a term for gifted and/or talented children in their definition of exceptional children. This does not mean that only these thirteen states provide services to gifted and talented children. Some states utilize a broad definition of exceptional children which could include the gifted and talented by interpretation. Other states provide services to the gifted and talented through their general education authorities rather than through special education.

Authorized programs for the gifted may include special classes in the public schools, summer workshops, high school credit for college courses, and pilot programs for experimentation and research.

In almost all cases other program elements such as funding and assessment fall under the special education authority.

Although this material is as current as possible, constant updating and revision of both the laws and regulations may render some of this material out of date.

DEFINITIONS

ALABAMA

"Intellectually gifted"--Not defined. (1971)

ALASKA

"'Gifted' includes children having outstanding intellect, ability or creative talent." (1970)

ARIZONA

"'Gifted child' means a child of lawful school age who, due to superior intellect, advanced learning ability, or both, is not afforded an opportunity for otherwise attainable progress and development in classroon instruction and who need special instruction, special auxiliary services, or both, to achieve the levels commensurate with his intellect and ability." (1971)

CALIFORNIA

"Mentally gifted minor"-- "A minor enrolled in a public primary or secondary school of this State who demonstrates such general intellectual capacity as to place him within the top 2 percent of all students having achieved his school grade throughout the State or who is otherwise identified as having such general intellectual capacity but for reasons associated with cultural disadvantages has underachieved scholastically." (1968)

CONNECTICUT

"Extraordinary learning ability"--"outstanding talent in the creative arts"--To be defined by regulation "after consideration of the opinions of appropriate specialists and of the normal range of ability and rate of progress of children in the Connecticut public schools." (1967)

DELAWARE

"'Gifted children' means children between the chronological ages of four and 21 who are endowed by nature with high intellectual capacity. 'Gifted children' are those children who have native capacity for high potential intellectual achievement and scholastic achievement."

" 'Talented children' means children between the chronological ages of four and 21 who have demonstrated superior talents, aptitudes, or abilities. 'Talented children' are those children who have demonstrated outstanding leadership qualities and abilities or whose performance is consistently remarkable in the mechanics, manipulative skills, the art of expression of ideas, orally or written, music, art, human relations or any

DELAWARE
other worthwhile line of human achievement." (1958)

FLORIDA

"The gifted"--Not defined. (1971)

GEORGIA

"Gifted pupils," "Student honors program"--"children who have manifested exceptional abilities, unique potentials or who have made exceptional academic achievements." (1964)

IDAHO

"Academically talented"--Not defined. (1965)

ILLINOIS

"Gifted children"--"Children whose mental development is accelerated beyond the average to the extent that they need and can profit from specially planned educational services." (1965)

KANSAS

"Intellectually gifted"-Not defined. (1961)

KENTUCKY

"Intellectually gifted"-Not defined. (1972)

LOUISIANA

"Gifted"-Not defined. (1972)

NEBRASKA

"Gifted children"--"Children who excel markedly in ability to think, reason, judge, invent or create and who need special facilities or educational services or both such facilities and services in order to assist them to achieve more nearly their potentials, for their sakes as individuals and for the increased contributions they may make to the community, State, and nation." (1967)

NORTH CAROLINA

"Exceptionally talented children"--"A pupil in the public school system of North Carolina who possesses the following qualifications: (a) a group intelligence quotient of 120 or higher; (b) a majority of marks of A and B; (c) emotional adjustment that is average or better; (d) achievements of at least two grades above the State norm or in the upper 10 percent of the local norms of the administrative unit; (e) recommended by a pupil's teacher or principal." (1961)

OHIO

"Academically gifted children."--Not defined. (1959)

OKLAHOMA

"Gifted children"--Not defined. (1970)

OREGON

"Educationally able and gifted children" means those children who have demonstrated or show potential of a very high level of academic or creative aptitude. (1971)

RHODE ISLAND

"Gifted and talented children" Not defined by law, which however requires the commissioner of education and the state board of education to create regulations to establish "criteria for determining who is to be included in the category of the gifted or talented child." (1958)

SOUTH CAROLINA

"Any student who demonstrates sufficient ability." (1958)

TENNESSEE

"Intellectually gifted"-Not defined.

WASHINGTON

"Student of superior capacity"--"...Those who consistently show remarkable performance in academic pursuits or demonstrate exceptional ability." (1961)

WEST VIRGINIA

"Intellectually gifted," "mentally gifted."--Not defined. (1971)

PROGRAMS

ALABAMA

Special services for exceptional children include administrative services, transportation, diagnostic evaluation services, social services, and other similar services. These are in addition to special instruction.

ALASKA

"Programs or services beyond the level of those ordinarily provided as regular school programs shall be submitted to the department for supplemental funding on an approved program basis." A borough or school district provides services if 5 or more exceptional children reside there; the State department provides for others. (1970)

ARIZONA

" ' Special education' means the adjustment of the environmental factors, modifications of school curricula, and adaptation of teaching methods, materials and techniques to provide educationally for those children who are gifted or handicapped to such an extent that they do not profit from the regular school curricula or need special education services in order to profit.

CALIFORNIA

Any school district may provide programs for mentally gifted minors living in the district who are enrolled in kindergarten or grades 1 through 12 in the schools of the district and who may be expected to benefit from a program suited to their abilities. The governing board may contract with another school district for furnishing programs for such minors or may so contract for the education of such minors including the furnishing of such programs.

The county superintendent may, with the approval of the county board of education, provide programs under the provisions of this article, and transportation thereof, for mentally gifted minors who reside in any school district which has an average daily attendance of less than 901 in the school of the district. Up to 20 pilot programs for identifying and educating gifted among the deprived were authorized. (1968)

CONNECTICUT

The Connecticut act provides that each town or regional school district may provide special education for gifted children. [In addition the statute also authorizes the State Department of Education to "regulate curriculum, conditions of instruction, physical facilities and equipment, class composition and size, admission of students, and requirements respecting necessary special services of instruction to be provided by town and regional boards of education." Transportation for special education is defined in the law as including transportation to and from a facility for the purpose of determining the need for special education, and to and from the agency providing special education. (1967)]

DELAWARE

The statute states that "the state board of education and local school boards shall provide and maintain, under appropriate regulations, special classes and facilities whenever possible to meet the needs of all...gifted and talented children..." (1957)

FLORIDA

County boards of education are to provide insofar as "practicable special facilities for classes for gifted children.

Exceptional children who will be three years by January 1 of the school year may be eligible for admission to public special education programs and for related services under rules and regulations prescribed by the school board. (1971)

GEORGIA

The statute established the authority for the operation of summer school programs by local school districts. Within the provisions of this act are included "enrichment school programs beyond prescribed school programs and accelerated school programs." The law goes further and establishes a specific student honors program, noting that such program "may be conducted during summer months between normal school year terms at institutions of higher learning or other appropriate centers within the state with the facilities adequate to providing challenging opportunities for advance study and accomplishments by such students." (1964)

HAWAII

The department of education may allow early admission to kindergarten or first grade of children who are found to be ready. (1971)

IDAHO

Under the special education umbrella, specifies the types of special services to be provided for exceptional children. Services are described in regard to the provision of various types of personnel. The act goes further to grant authority to the State Baord of Education to establish programs, set standards, etc., to educate and train exceptional children. It also establishes a research program to evaluate ongoing program and assess the number and types of exceptional children. (1965)

ILLINOIS

The act provides for the establishment of procedures allowing local school districts to submit to a State Advisory Council plans for local special programs. Upon approval of the programs by the Council and the Superintendent of Public Instruction, the district will be entitled to state reimbursement for the services and materials required by the proposed program. The statute further authorizes the Superintendent of Public Instruction with the advice and consent of the Advisory Council to "enter into contracts with school districts, colleges and universities for the conduct of demonstation centers, experimental projects and institutes in the field of education of gifted children." (1965).

IOWA

Allows high school students to enroll in and obtain credits from courses in higher academic institutions. Credits may be earned in any course and may be applied toward high school graduation. Courses may be taken within or without the state if an out of state facility is closer to the home of the student than the nearest state junior college or university. No public funds are permitted to be expended for tuition. (1965)

KANSAS

The State Division of Special Education is authorized to aid school districts in establishing and maintaining day classes, schools, home instruction, and other methods of special education for exceptional children under the general special education laws. In addition to this, the Division is to "encourage school districts through consultation and guidance to make provision for gifted children by adapting school work to their needs, and to waive restrictions which interfere with the development of such children." (1945)

KENTUCKY

School boards of any school district may, subject to specified limitation, establish and maintain special educational programs for exceptional children who are residents of their school district, and such children, residents of other school districts, as may be authorized by subsequent sections of this Act. (1962)

KENTUCKY

Local supervision of special educational facilities for exceptional children shall be approved by the Division of Special Education according to rules and regulations approved by the State Board of Education. (1962)

The State Board of Education shall make necessary rules and regulations in keeping with the provisions of the law for their proper administration including, but not limited to establishment of classes, eligibility and admission of pupils, the curriculum, class size limitations, housing, special equipment, and instructional supplies. (1962)

The number of classroom units allotted to all exceptional children in the State is specified for each school year.

The State Board of Education shall establish appropriate divisions within the Bureau of Education for Exceptional Children. These divisions shall include a Division for the Intellectually Gifted. (1972)

LOUISIANA

The statute requires local school boards to provide suitable special education and/or training facilities and classes for all exceptional children. The law is quite general and no specific provisions for gifted children are described, although such children are mentioned among those who are to receive services. (1972)

NORTH CAROLINA

The article establishes at the state level an administrative unit called the Division for the Education of Exceptionally Talented Children. In addition, at the local level it establishes eight district supervisors in each of the eight educational districts of the state. Their purpose is to oversee the development of programs for gifted children in the district, as well as providing consultation to local administrative units planning programs and developing curricula. The act further empowers the Division for the Education of Exceptionally Talented Children to conduct research studies which will "develop techniques, curricula, and materials, especially applicable to exceptionally talented children," and to recommend special books, materials, and other supplies to be purchased by the state for the implementation of the article. The article also requires local districts to submit to the Division a plan for programs for such children. In addition, the law provides for the establishment of five pilot centers for the purpose of demonstrating programs for the education of exceptionally talented children, the cost of such programs to be totally assumed by the state. These pilot centers are on an experimental basis and are subject to reexamination by the state board of education. (1961)

OKLAHOMA

The school districts are authorized to provide special education necessary for exceptional children as defined. Two or more school districts may establish cooperative programs of special education for exceptional children when such arrangement is approved by the State Board of Education. The county superintendent of schools of any county may establish and maintain a special eudcation program, with the approval of the State Board of Education, and county funds may be expended for such purpose. Any school district or districts located wholly or in part in a county may participate in any such programs so established by the county superintendent of schools and shall have authority to contribute school district funds, either directly or by reimbursement to the county participating in such program. (1970)

The 1969 law deleted the prohibition against use of special education funds for teaching units or classes consisting of gifted children. (1969)

OREGON

The statutes allow school districts to submit to the Superintendent of Public Instruction "a written plan for the improvement of instruction or curriculum for educationally able and gifted children enrolled in its schools or residing in the district." In approving the plans, the Superintendent shall consider:

(a) The adequacy and type of program proposed.
(o) The number of children who will benefit by the proposed program.
(c) The availability of personnel and facilities in the school district or districts.
(d) The need for such a program in the district or districts.
(e) Whether the plan meets the requirements of the statutues.
(f) Any other factors which will help accomplish the purposes of the statutues. (1971)

The statutes permit the Superintendent to spend up to $25,000 per fiscal year "to provide supervisory and consultant services to school districts with approved plans." (1965)

The state may provide summer workshops, institutes, in-service programs, advanced placement programs, conferences, and program evaluations to school districts. (1971)

RHODE ISLAND

Programs for gifted and talented children are basically determined by local school district in consultation with area advisory committees and the Commissioner of Education. (1958)

SOUTH CAROLINA

"Each accredited high school in this State shall provide an accelerated program of study whereby any student who demonstrates sufficient ability shall upon approval of the administrative head of such school and of the parent, guardian, or other lawful custodian of such student, be allowed to undertake such courses of study as will allow the student to graduate at the end of 11 years of primary and secondary schooling." (1958)

TENNESSEE

Tennessee specifies services which must be provide to handicapped children (including gifted) by school districts either directly or through special education services associations.

WASHINGTON

The law establishes in the Office of the State Superintendent of Public Instruction a Division of Special Education for Students of Superior Capacity. The title further authorizes the State Superintendent to "administer a program to improve the education of students of superior capacity," and also to conduct, coordinate and aid in research (including pilot programs), disseminate information to local school districts, and allocate supplementary funds for excess costs when appropriated for this purpose by the legislature. Local school districts are permitted either separately or jointly to (1) establish and operate special, seminar or augmented programs of education for superior students; and (2) establish and operate in conjunction with any institution of higher learning, joint programs of education for superior students. (1961)

WEST VIRGINIA

The school law establishes a Division of Special Education under the state superintendent. County boards of education throughout the state having five or more exceptional children of specified types may establish and maintain special schools, classes, home-teaching, or visiting-teacher services in order to provide for educating exceptional children between the ages of three and twenty-one who are educable, but who differ from the average or normal in physical, mental, or emotional characteristics to the extent that they cannot be educated safely or profitably in the regular grades of the public schools, and for whom special educational provisions need to be made in order to educate them in accordance with their capacities, limitations and needs. (1971)

ADVISORY COMMITTEES AND STUDY GROUPS

ALASKA

An advisory committee, established by the commissioners of education and health and welfare, provides information and guidance for development of appropriate programs and services for exceptional children. The committee is composed of, but is not limited to, persons representing local education agencies, state agencies, parent groups, and organizations concerned with programs and services for exceptional children.

CONNECTICUT

An advisory council for special education is established to advise the state board and the secretary and to engage in other activities. The advisory council is to be composed of 15 members who are not officers or employees of the state board of education. No more than 4 members may be employees of local or regional school districts. The advisory council must be composed of persons broadly representative of community organizations interested in children requiring special education, parents of the children, practicing members of professions concerned with these children's educational needs, and members of the general public. The members shall be appointed by the secretary of the state board for three-year terms. The advisory council shall annually elect its own chairman and any other officers. The representative of the secretary shall meet with and act as secretary to the advisory council. The advisory council members shall serve without compensation but will be reimbursed for reasonable expenses. The state department will provide secretarial and administrative assistance to facilitate the activities of the council. The commissioner for higher education shall also appoint a liaison person to the council. The council's responsibilities shall include:

1. Periodic review of regulations, standards, and guidelines pertaining to special education and recommending to the state board any changes it finds necessary;
2. Comment on new or revised regulations, standards, and guidelines; and
3. Participation with the state board to develop a state plan for the provision of special education.

The advisory council shall annually review, with the joint standing committee on education of the General Assembly, progress made by the state in serving those children requiring special education, and any recommendations made for the improvement of special education of the state.

DELAWARE

"The governor shall appoint an advisory committee on the needs of exceptional children to serve in an advisory capacity to the State Board of Education..." (1957)

GEORGIA

A state advisory council for exceptional children, appointed by the state superintendent with the approval of the state board, and a committee for exceptional children in each school system are established. Each local committee consists of a local superintendent, a local director of special education (who shall be chairman), and at least five additional members who represent professions related to special education services; one committee may be formed to serve the districts.

ILLINOIS

This article creates a seven member Advisory Council on the Education of Gifted Children, appointed by the State Superintendent of Public Instruction, whose members hold office for 7 years. Members are to be selected on the basis of their knowledge of or experience in problems of the education of gifted children. The purpose of the council is to serve as an advisory unit to the Superintendent of Public Instruction regarding all rules and regulations promulgated by the Department of Public Instruction and related to gifted children, as well as program plans in local school districts. The council is to also approve plans by the Superintendent of Public Instruction for the conduct of demonstration centers, experimental projects, and institutes in the field of education of gifted children. Members of the council shall serve without compensation, but are entitled to "reasonable amounts for expenses necessarily incurred in the performance of their duties." The Superintendent of Public Instruction is to designate an employee of his office to act as executive secretary of the council and to furnish all clerical assistance necessary. (1965)

KENTUCKY

The governor, upon recommendation of the human resources coordinating council, appoints one person involved in the training of exceptional children, one person from the department of education, and nine other citizens to the state task force. No more than five professional special educators may be on the task force. Non-profit organizations with statewide membership and whose purposes include the fostering of programs for the handicapped may submit recommendations to the council. Representatives from each department on the human resources coordinating commission and the medical director of the commission for handicapped children shall serve in an advisory capacity to the task force.

The powers and duties of the task force include:

1. surveying needs and available resources for special education training and related services for exceptional children;
2. recommending regulations to the department of education and other departments dealing with exceptional children;
3. employing independent professional organizations and staff for services not readily available;
4. fixing the terms of services of members of regional task forces;
5. receiving and evaluating reports of regional task forces, and making and receiving recommendations to and from regional task forces and regional councils;
6. assuming the powers and responsibilities of any regional task force which in the judgment of the state task force, cannot or will not fulfill its functions, powers,

KENTUCKY

or responsibilities, and

7. making recommendations to the council, to school boards, to governmental agencies, to the legislative research commission, and to the legislature with respect to special education programs and related services for exceptional children. Such recommendations may relate to, without limitation, the recruitment and training of, and assistance to, teachers in special education facilities, the transportation of special education students, and the establishment of special education facilities within the time limitations imposed by the act.

Regional task forces, appointed by regional human resources councils,will be established to assist the state task force in ascertaining needs, evaluating resources, and recommending plans for statewide programs for exceptional children.

OHIO

For the purpose of encouraging the development of special programs of education for academically gifted children the state board of education shall employ competent persons to analyze and publish data, promote research, advise and counsel with boards of education, and encourage the training of teachers in the special instruction of gifted children. (1972)

RHODE ISLAND

The Commissioner of Education is to create a Rhode Island area advisory committee, "consisting of one (1) superintendent of schools from each of the areas of the state determined by the Commissioner of Education; three (3) representatives-at-large from the Superintendent s and Assistant Superintendents of the State; and the President of the Rhode Island Superintendents Association."

The members of the committee are to serve without compensation but may be reimbursed for necessary travel expenses. The Commissioner is to provide all technical, clerical, and other assistance needed by the committee.

"It shall be the duty of the area advisory committee to recommend to the Commissioner of Education: (a) programs within a school for gifted and talented children; (b) area programs for gifted and talented children; and (c) outside school programs for gifted and talented children, provided, however, that no city or town shall participate or be required to participate in such programs without the affirmative vote of the respective school committees.

"The area advisory committee shall annually make a report of its activities for the preceding fiscal year to the governor, the board of education and the Commissioner of Education." (1958)

TENNESSEE

An advisory council for the education of the handicapped will advise and consult with the governor, commissioner of education, state board, and director of the division. The advisory council is composed of nine members, appointed by the governor for three-year terms. Members must be persons broadly representative of community organizations interested in the handicapped, professions related to educational needs of the handicapped, and the general public.

DIAGNOSTIC PROCEDURES

ALABAMA

No child shall receive special services unless he is properly classified as an exceptional child. The child's parents or guardian shall be informed of the reasons for this classification, and a copy of the report certifying the child's type of exceptionality will be kept on file in the office of the principal of the school in which the child is enrolled and any other places prescribed by regulation.

A placement committee makes recommendations concerning each child's admission to or withdrawal from a school program.

ALASKA

"Final certification of a student for special services is the responsibility of the commissioner. The child shall undergo evaluation as defined by regulation of the department by qualified personnel for the purpose of determining whether or not the child is capable of receiving benefit from enrollment in a special education program. If determined eligible and capable of receiving benefit, and upon approval of the application by the commissioner, the child shall be recommended for enrollment." (1970)

ARIZONA

A. The referral of a child for evaluation for possible placement in a special education program shall be made under the direction of the chief administrative official of the school district or county, or such person designated by him as responsible for special education, after consultation with the parent or guardian.

B. Before a child is placed in a special education program an evaluation shall be made of the capabilities and limitations of the child. The evaluation shall be made by at least one professional specialist in a field relevant to the child's handicap and under the direction of the chief administrative official for special education. If appropriate, the educational implications of the handicapping conditions shall be evaluated by a psychologist.

ARIZONA

C. The results of the evaluation shall be submitted in writing and with recommendations to the chief administrative official of the school district or county or to such person designated by him as responsible for special education.

D. In determining placement the following persons shall be consulted by the chief administrative official of the school district or county or such person designated by him as responsible for special education:

1. The school principal
2. A person responsible for administering or conducting special education courses in the school or school district
3. A teacher who currently has been instructing the child
4. An appropriate professional adviser who may be a physician, psychologist, professional social worker or school nurse
5. A parent or guardian of the child

E. The chief administrative official of the school district or county or such person designated by him as responsible for special education shall place the child except that no child shall be placed or retained in a special education program without the approval of his parent or guardian.

CALIFORNIA

"The general intellectual ability of a minor shall be evidenced by one or more of the following factors:

(a) Achievement in schoolwork.

(b) Scores on tests measuring intellectual ability and aptitude.

(c) The judgments of teachers and school administrators and supervisors who are familiar with the demonstrated ability of the minor.

The general intellectual ability of a minor determined to be culturally disadvantaged shall be evidenced by criteria developed for such purpose by the State Board of Education. In no event shall the general intellectual ability of a minor determined to be culturally disadvantaged be evidenced solely by the criterion of subdivision (b)." (1968)

CONNECTICUT

Each town or regional board of education is responsible for providing the professional services necessary to identify those children within its jurisdiction who require special education, to determine their eligibility and to provide special programs for them.

DELAWARE

The state board may direct, with the aid of cooperating agencies, the examination of all children and discover whether any child is a fit subject for special instruction.

FLORIDA

No child shall be given special services as an exceptional child until he is properly classified as an exceptional child. A copy of the report certifying to the child's condition shall be kept on file in the principal's office. No child shall be segregated and taught apart from normal children until a careful study of the child's case has been made and evidence obtained which indicated that segregation would be for the child's benefit or is necessary because of difficulties involved in teaching the child in a regular class. The principal shall keep a written record of the case history of each exceptional child available for inspection by school officials at any time. (1971)

GEORGIA

School systems are charged with the responsibility for securing a competent survey of the educational needs of exceptional children in their jurisdictions.

HAWAII

The department of education is responsible for establishing eligibility requirements for enrollment in special classes.

IDAHO

Prior to enrollment or placement in special education classes, and the expenditure of funds for exceptional children, the students must be comprehensively evaluated in accordance with the regulations of the state department of education.

ILLINOIS

The superintendent, with the advice of the advisory council, prescribed the standards for the eligibility and admission of pupils. No child may be eligible for services without a complete case study fully reviewed by professional personnel in a staff conference.

KANSAS

"In order to render proper instruction to each exceptional child, the school district shall certify exceptional children in accordance with the requirements set up by the state division of special education and shall provide examinations for children preliminary to making certification. The examinations necessary for the certification of exceptional children shall be conducted by persons certified by the

state division of special education. The result of such examination shall be furnished to the teacher who is responsible for the training of such a child." (1949)

LOUISIANA

All state agencies offering services to handicapped and other exceptional children must provide to parish and city school boards and/or the state department of education names and other pertinent facts regarding the proper placement for handicapped or other exceptional children enrolled in or expected to enroll in the public schools.

Speical education centers located in state colleges and universities are designated as the competent authorities for evaluation of handicapped and other exceptional children in the public schools. If a parish or city school system is served by one or more special education centers, the centers are designated as the authorities for the psychological and educational diagnosis and evaluation of handicapped and other exceptional children.

Pupils may be assigned to special classes only upon recommendation of these special education centers or other persons or agencies approved by the state department. In parish or city school systems not served bya college or university special education center, pupils may be assigned to special classes or facilities upon the recommendation of authorities approved by the state department.

NEBRASKA

Superintendents, principals, teachers, members of the board of education and board of trustees, or a parent or guardian of a handicapped child may apply to the superintendent of schools if the child resides in a high school district, or to the county superintendent of school, otherwise, for an application for special education.

NORTH CAROLINA

In North Carolina an "exceptionally talented child" must meet the following criteria: (a) a group intelligence quotient of 120 or higher, (b) a majority of marks of A and B, (c) average or better emotional adjustment, (d) achievement at least two grades above the state norm, or in the upper 10 percent of local norms of the administrative unit, and (e) referral by school teachers and administrators. Section 115-310 states that "the director shall recommend and the State Superintendent appoint, with the approval of the State Board, a supervisor for testing and pupil classification services of the Department of Public Instruction, be charged with the responsibility of testing and evaluating all children in the public school system for the purpose of identifying the exceptionally talented children. Said supervisor shall be a person well trained and professionally qualified to carry out this responsibility. In addition, the director shall recommend and the State superintendent appoint with

the approval of the State board, such specialists as may be necessary for adequate counselling and identification of such exceptionally talented school children throughout the State; and the State shall provide necessary funds for office expenses and travel for the conduct of their work." (1961)

OKLAHOMA

The board of education in whose area of jurisdiction the child resides is responsible for determining the child's eligibility for special education under rules and regulations approved by the state board of education. Exceptional children must be reevaluated at least once every three years. Children eligible for special education services will be entitled to them for a minimum period of 12 years.

TENNESSEE

Each school district, on a regular basis and according to state board regulations, must test and examine each child attending the public and private schools within its boundaries to determine whether or not the child is "handicapped."

WEST VIRGINIA

Each child prior to being placed in a special class, *homete*aching or visiting teacher program shall be examined by appropriate medical specialists and/or psychologists who shall report to the county superintendent of schools. (1971)

FINANCIAL SUPPORT

ALABAMA

Required public school instruction and special services shall be made available at public expense for each school year. The funds for such instruction and special services are derived from state, county, municipal, district, federal, or other sources or any combination of sources.

All school boards are required to set aside from their revenues from all sources amounts necessary to provide special services for exceptional children. If insufficient funds are available to school boards to fully provide for exceptional children as well as to provide for the educational needs of non-exceptional children, the board must prorate all funds on a per capita basis between exceptional and non-exceptional children. No matriculation, tuition or other fees will be required or asked of exceptional children or their parents or guardians, unless such fees or charges are made uniformly for all public school pupils.

The state allocates aid on a unit funding basis, and reimburses 80% of transportation costs.

ALASKA

All special education is funded on a unit basis according to average daily membership.

ARIZONA

The legislature appropriates $50 per student in average daily attendance for gifted pupils.

CALIFORNIA

The Superintendent of Public Instruction, if he approves shall apportion to each applicant school district or county superintendent of schools an amount equal to the following:

Fiscal Year	Amount per pupil participating in program for one school year
1972-1973	$70
1973-1974	80
1974-1975	90
1975-1976 and fiscal years thereafter	100

The amount per pupil participating for one semester is one-half of the amount prescribed above for one year's participation.

The Superintendent of Public Instruction, if he approves, shall also apportion to each applicant school district or county superintendent of schools an amount equal to fifty dollars ($50) for each pupil identified as a mentally gifted minor.

Apportionments made during a fiscal year pursuant to this section shall not be made on account of more than 3 percent of the units of average daily attendance of pupils during the preceding fiscal year credited to all kindergartens and grades 1 through 12 in all of the school and classes maintained by school districts and county superintendents of schools.

Each applicant school district or county superintendent of schools shall report to the Superintendent of Public Instruction as a part of the annual financial report the total income, including the amount apportioned for special programs and services for mentally gifted pupils during the year, the total number of such pupils participating in special programs or services, and amount per special program or service expended for them. If the Superintendent of Public Instruction finds that the amount of state funds allocated are in excess of the expenditures, such excess shall be withheld.

CONNECTICUT

This law provides that districts providing special education in accordance with State regulations shall be reimbursed for two-thirds of the excess cost of the program. In computing excess cost, school districts may include costs of personnel equipment and materials, transportation, special consultant services, and rent. (1967)

DELAWARE

The State of Delaware reimburses local special education programs on a unit basis. A normal unit in the State is 25 pupils; for exceptional children under various categories, the number of children per unit has been reduced. However, there is no mention in the law of the unit structure for gifted children.

FLORIDA

Public education in grades one through 12 is made available at state expense, including exceptional child education. Funding is on a unit basis.

GEORGIA

Additional personnel and funds are allotted to special education programs as part of the the minimum foundation program. The statutes provide that the Student Honors Program (a summer program for gifted children), may be financed by the State Board of Education to meet all operating and pupil costs and expenses. (1964)

HAWAII

Completely state-operated and funded school system.

IDAHO

Idaho law provides that the State Board of Education add 80 percent of the total cost of the special education program for exceptional children to the education foundation program of the district. (1965)

ILLINOIS

Illinois law provides two alternatives for State reimbursement. The first provides for the payment of one-half of the average per capita costs of pupils in programs for the gifted throughout the State, multiplied by the number of pupils and average daily attendance in the district's program, multiplied by one of the following factors relating to different assessed valuations per pupil in average daily attendance: 1.0 in districts with $20,000 or more; 1.2 in districts with $16,000 but less than $20,000; 1.3 in districts with $12,000 but less than $16,000; 1.4 in districts with $9,000 but less than $12,000; 1.5 in districts with less than $9,000. 'In no case shall the claim for reimbursement of any district exceed the per capita cost of such program to the district

multiplied by the number of pupils in average daily attendance." This formula also limits the number of pupils in attendance to 5 percent of the average daily attendance in the district.

The second formula provides an annual rate of $5,000 for each professional worker who meets the established standards for the position. (1965)

KANSAS

Reimbursement for services to exceptional children in Kansas is based upon a per teacher unit system with additional reimbursement for transportation, travel, and instructional materials. Cooperative programs between districts are further reimbursed. (1971)

KENTUCKY

Programs are funded on a unit basis.

LOUISIANA

Louisiana provides financial support for special education on a unit basis. That is, it assists in the financial support of a teacher per so many pupils. This section outlines the per pupil ratio in all areas of exceptionality except that of the gifted, which is left to be determined by regulations of the State Board of Education. (1964)

NEBRASKA

The general school finance law provides that districts having programs for gifted children be reimbursed an additional .25 A.D.A. for every gifted child. (1967)

NORTH CAROLINA

The full program outlined in the statutes for "exceptionally talented children" is financed by the State. For locally administered programs, "the Superintendent of any school administrative unit may submit to the director a proposal, including any program already in operation, for a local program for the education of the exceptionally talented children in that administrative unit. If such proposal is approved by the director, in accordance with the rules and regulations to be prescribed by the State board, for qualification of local programs under this article, there shall be allocated by the State Board out of Nine Months School Fund, to the school administrative unit, such funds as may be necessary to carry out the program." (1961)

OHIO

"The State Board of Education may provide financial assistance out of any funds appropriated for this purpose to Boards of Education for developing and conducting experimental programs of education for academically gifted children." (1972)

OKLAHOMA

Attendance of children in special education classes will be included in the average daily attendance computation in the foundation appropriations programs for state aid.

No funds received by a district for special education are considered part of the chargeable income of the district for state aid purposes. Also, none of the funds for special education may be received for:

1. any teaching unit or class with less than eight educable mentally handicapped children;
2. any teaching unit or class consisting of children who are both deaf and blind except for the program mentioned in "Services" which is a direct state program , or
3. any teachig unit for speech defective children with a number less than that specified by the state board of education;
4. any teaching unit or class organized with less than five of any other type of exceptional child.

Special education now financed on a flat grant basis as follows: For each class that did not receive the $4500 grant in 1970-71, the district shall receive $4000 in 1971-72. All federal funds used in the special education must be above the flat grants from state appropriations. Each class funded for $4500 in 1970-71 shall receive $4500 in 1971-72. Each new class started in 1971-72 and 1972-73 shall recieve $5000.

$600,000 is appropriated to establish new special education classes, and in no way may this be used by districts for existing classes. The legislature has the precise intention of establishing new programs in districts not presently offering programs and additional types of special education in districts not presently offering such programs. They particularly wish, but not exclusively, to encourage new classes for children with learning disabilities in districts not presently offering them.

OREGON

School districts must submit at the end of the fiscal year the amount expended pursuant to the plan during that fiscal year. Reimbursement "shall be based on the number of children in average daily membership...in the schools of that district for the fiscal year ending June 30 prior to the school year for which the plan was approved and in effect. The amount of reimbursement shall be:

OREGON

a. $1.50 per child for the first year the program operates.
b. $1.00 per child for the second year the program operates.
c. $0.50 per child for the third year the program operates."

Districts are required to expend out of district funds an amount equal to the grant by the State.

In the event that the monies specifically appropriated for the program are insufficient to pay the full reimbursable amount of all approved claims in any fiscal year, the reimbursement to each district shall be prorated according to the ratio that the total amount of funds available bears to the total amount that would be required to pay in full all approved claims for the fiscal year. (1971)

RHODE ISLAND

"The State shall reimburse each city and town in an amount not to exceed one-half (1/2) of the sum of the instructional salaries, textbooks and supplies expended for each approved program." The general assembly is to appropriate the funds it deems necessary to carry out the program. Eligibility for reimbursement is to be determined by the Commissioner upon advice of the area advisory committee. (1958) The 1960 general State aid law removed all categories for State funding. Thus the above statutes, while remaining on the books, receive no earmarked funds.

TENNESSEE

An amount equal to the expenditure for nonhandicapped children must be spent for each "handicapped child" (including gifted) by local governments and school districts. Necessary funds to cover excess costs are the ultimate responsibility of the state but must be admininstered through local school districts.

WASHINGTON

This law gives the State Superintendent of Public Instruction the authority to allocate supplementary funds for excess costs of programs for students of superior capacity. (1961)

WEST VIRGINIA

The state superintendent sets the formula for distribution of state excess cost reimbursement.